

HUNTER PYLE, SBN 191125  
CHAD SAUNDERS, SBN 257810  
HUNTER PYLE LAW  
428 Thirteenth Street, 11th Floor  
Oakland, California 94612  
Telephone: (510) 444-4400  
Facsimile: (510) 444-4410  
Emails: hunter@hunterpylelaw.com  
csaunders@hunterpylelaw.com

*Attorneys for Plaintiffs*  
JASON BARTON, CALVIN BRAGG, CHARLES  
NOLAN, JOSEPH NOLAN, and JON COLE WINN

KEVIN D. REESE, CA Bar No. 172992  
kevin.reese@ogletree.com  
MICHAEL D. THOMAS, CA Bar No. 226129  
Michael.Thomas@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300 One Market Plaza  
San Francisco, CA 94105  
Telephone: 415.442.4810  
Facsimile: 415.442.4870

*Attorneys for Defendants*  
QUALITY TERMINAL SERVICES, LLC, OMNITRAX, INC.  
and BROE MANAGEMENT COMPANY, LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

JASON BARTON, CALVIN BRAGG,  
CHARLES NOLAN, JOSEPH NOLAN, and  
JON COLE WINN,

Plaintiffs,

v.

QUALITY TERMINAL SERVICES, LLC, a  
Colorado Limited Liability Company;  
OMNITRAX, INC., a Colorado corporation,  
and BROE MANAGEMENT COMPANY,  
LLC, a Colorado Limited Liability Company,

Defendants.

CASE NO. 4:18-cv-01289-KAW

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
TO EXTEND DEADLINE TO AMEND  
PLEADINGS**

1 By and through their undersigned counsel of record, Plaintiffs Jason Barton, Calvin Bragg,  
2 Charles Nolan, Joseph Nolan, and Jon Cole Winn ("Plaintiffs") and Quality Terminal Services, LLC,  
3 Omnitrax, Inc. and Broe Management Company, LLC (collectively "Defendants" and together with  
4 Plaintiffs "the Parties") hereby jointly stipulate and agree as follows:

5 WHEREAS, the Court held a Case Management Conference on July 17, 2018;

6 WHEREAS, the Court set a deadline of August 31, 2018, for the Parties to seek leave to  
7 amend the pleadings (Dkt. 29);

8 WHEREAS, the Parties are scheduled to attend mediation on September 21, 2018;

9 WHEREAS, Plaintiffs intend to seek leave to amend the complaint to add a plaintiff and  
10 related allegations;

11 WHEREAS, Plaintiffs agree to provide a written agreement no later than September 7,  
12 2018, stating the unnamed plaintiff's agreement to participate in the mediation and to join this  
13 action as a plaintiff;

14 WHEREAS, the Parties have agreed that the unnamed plaintiffs may participate in the  
15 mediation prior to amending the complaint to add them as parties;

16 WHEREAS, Defendants may amend the pleadings by filing a counterclaim; and

17 WHEREAS, the Parties met and conferred through counsel and agreed that the deadline to  
18 seek leave to amend the pleadings should be extended until October 23, 2018, which is also the  
19 date of the next Case Management Conference.

20 THEREFORE, IT IS STIPULATED AND AGREED THAT the deadline for the Parties to  
21 seek leave to amend the pleadings should be extended to October 23, 2018.

22 Nothing in this Stipulation shall be construed as a waiver of any of Plaintiffs' or  
23 Defendants' rights, defenses, or arguments they would otherwise have.

24 Dated: August 31, 2018

25 KEVIN D. REESE  
26 MICHAEL D. THOMAS  
27 OGLETREE, DEAKINS, NASH, SMOAK &  
28 STEWART, P.C.

By: /s/ Michael D. Thomas  
Attorneys for Defendants

1  
2  
3 Dated: August 31, 2018

4 HUNTER PYLE  
5 CHAD SAUNDERS  
6 HUNTER PYLE LAW

7 By: /s/ Chad Saunders  
8 Attorneys for Plaintiffs  
9

10 \*\*\*

11 I hereby attest that pursuant to Civil L.R. 5-1 (i)(3), I have received concurrence in the filing  
12 of this document from each of the other Signatories.

13 /s/ Chad Saunders  
14

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
16

17 Dated: 8/31/18

18   
19 Hon. Kandis A. Westmore  
20 United States Magistrate Judge  
21  
22  
23  
24  
25  
26  
27  
28